

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DAVID SCOTT HAESE, )  
                          )  
Plaintiff,            )  
                          )  
v.                     )                      **Case No. CIV-17-15-G**  
                          )  
ANDREW SAUL,          )  
Commissioner of Social Security,<sup>1</sup>    )  
                          )  
Defendant.            )

**ORDER**

This matter is before the Court on Plaintiff's motion for an extension of time, seeking authorization under Rule 60(b)(6) of the Federal Rules of the Civil Procedure to file a motion for attorney's fees under 42 U.S.C. § 406(b)(1). *See* Pl.'s Mot. (Doc. No. 3); J. (Doc. No. 25) (entered Mar. 13, 2019); *McGraw v. Barnhart*, 450 F.3d 493, 505 (10th Cir. 2006); *Harlan v. Colvin*, No. CIV-13-477-D, 2015 WL 9295809, at \*1 (W.D. Okla. Dec. 18, 2015). Plaintiff states that the Motion is unopposed by Defendant.

Plaintiff informs the Court that on July 7, 2019, the Social Security Administration issued a notice of award approving Plaintiff for benefits and awarding past-due benefits. *See* Pl.'s Mot. at 2. Plaintiff further informs the Court that his counsel has filed this Motion within 30 days of receipt of the notice of award. *See id.*

The Court finds that “[s]ubstantial justice will be served by allowing counsel to seek § 406(b)(1) fees under the authority of Rule 60(b)(6).” *McGraw*, 450 F.3d at 505.

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<sup>1</sup> The current Commissioner is hereby substituted as Defendant pursuant to Federal Rule of Civil Procedure 25(d).

Accordingly, Plaintiff's unopposed Motion (Doc. No. 30) is hereby GRANTED.

Plaintiff's counsel shall file her motion for attorney's fees within 14 days of the issuance of this Order.

IT IS SO ORDERED this 27th day of August, 2019.

  
CHARLES B. GOODWIN  
United States District Judge